

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL R. COOPER

4:13CV3086

)

Plaintiff,

)

V.

)

**MEMORANDUM
AND ORDER**

DEPARTMENT OF THE ARMY,)

SECRETARY OF THE ARMY,)

JOHN M. MCHUGH, ATTORNEY)

GENERAL OF THE UNITED)

STATES, ERIC HIMPTON)

HOLDER JR., UNITED STATES)

ATTORNEY FOR NEBRASKA, and)

DEBORAH R. GILG,)

)

Defendants.

)

This matter is before the court on its own motion. The above-captioned matter was provisionally filed on April 19, 2013. (Filing No. 1.) However, because the plaintiff, Daniel R. Cooper (“Cooper”) did not include the \$400.00 filing and administrative fees or submit a request to proceed in forma pauperis, the Complaint cannot be further processed until such defect is corrected. To assure further consideration of the Complaint, Cooper must correct the defect. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Because Cooper has failed to include the \$400.00 filing and administrative fees, he has the choice of either paying the \$400.00 fees to the clerk of the court or submitting a request to proceed in forma pauperis with an affidavit of poverty in support thereof. If Cooper chooses to submit a request to proceed in forma pauperis, he should complete and return to this court the enclosed pauper’s forms.

IT IS THEREFORE ORDERED that:

1. Cooper is directed to either pay to the clerk of the court the \$400.00 filing and administrative fees or complete and return to the clerk of the court the Application to Proceed Without Prepayment of Fees and Affidavit before July 3, 2013.
2. Failure to comply with this memorandum and order will result in dismissal of this matter without further notice.
3. The clerk of the court is directed to send to Cooper Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.
4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 3, 2013: deadline for payment or filing of IFP application.

Dated June 10, 2013.

BY THE COURT



Warren K. Urbom
United States Senior District Judge